

# Government of the District of Columbia

## ZONING COMMISSION



ZONING COMMISSION ORDER NO. 363

CASE NO. 81-3

January 25, 1982

Pursuant to notice, a public hearing of the District of Columbia Zoning Commission was held on August 17 and 27, 1981. At those hearing sessions, the Zoning Commission considered an application from the Envoy Towers Associates to amend the Zoning Map of the District of Columbia. The hearings were conducted in accordance with the provisions of Chapter 6 of the Rules of Practice and Procedure before the Zoning Commission.

### FINDINGS OF FACT

1. The application requested a change of zoning from C-M-2 to R-5-C for lot 953 in Square 2571. On May 14, 1981 the Zoning Commission authorized the scheduling of a public hearing for this application and further determined to consider R-5-B and D/R-5-B as alternative possibilities for zoning of the property.

2. The subject site is located at 2400 - 16th Street, N.W. towards the rear, is approximately 28,100 square feet in area, and is proposed to be the location of an eight-story apartment building annex.

3. The C-M-2 District permits matter-of-right development of heavy commercial and light industrial uses along with retail and office uses to a maximum floor area ratio (FAR) of 4.0, and a maximum height of sixty feet. New residential uses are prohibited.

4. The R-5-B District permits matter-of-right development of general residential uses, including single-family dwellings, flats, and apartments, to a maximum lot occupancy of sixty percent, a maximum FAR of 1.8, and a maximum height of sixty feet.

5. The D/R-5-B District permits matter-of-right development of general residential uses including single-family dwellings, flats, and apartments to a maximum lot occupancy of sixty percent, a maximum FAR of 1.8 and a maximum height of sixty feet. This district will also

permit chanceries of foreign governments with the approval of the Board of Zoning Adjustment.

6. The R-5-C District permits matter-of-right medium/high density development of general residential uses, including single-family dwellings, flats, and apartment buildings, to a maximum height of ninety feet, a maximum FAR of 3.5, and a maximum lot occupancy of seventy-five percent.

7. The site has a frontage of approximately ninety feet on Kalorama Road, is to the southwest of the existing five-story Park Towers apartment building, and is at the rear of the existing seven-story Envoy Towers building. The Envoy Towers is undergoing extensive renovation and restoration and is a part of the overall project which includes the subject site. The existing Envoy Towers building is not subject to this application.

8. The site is composed of essentially two portions, a rectangular portion along Kalorama Road with a depth of approximately 150 feet, and a long narrow portion extending southwesterly from the rectangular portion and parallel to Kalorama Road. This narrow portion abuts a public alley and lies between the rear of a row of two-story dwellings which front on Kalorama Road, and the cooperative apartment building at 1661 Crescent Place, N.W. This portion of the site is improved with a two-level parking garage which served the Envoy Towers. The portion of the site that fronts on Kalorama Road is improved with a vacant four-story structure, which formerly contained twelve apartment units.

9. The rowhouses which are across the alley from the long narrow portion of the site are also presently zoned C-M-2. The property to the northeast of the rectangle along Kalorama Road is zoned R-5-C. The 1661 Crescent Place property is zoned D/R-5-B. The existing Envoy Towers property is zoned R-5-C as is the existing Park Towers.

10. The general characteristic of the area is mixed in uses with residential and commercial, and some industrial and recreational uses included. To the east of the site are three lots, one improved with a vacant two-story structure and the others unimproved, the Park Towers apartment building, and the Envoy Towers. Beyond that and across 16th Street is the Meridian Hill Park. To the south of the site is the 1661 Crescent Place Cooperative. To the west of the site are approximately twenty existing rowhouses along 17th Street and Kalorama Road. West of 17th Street and along Kalorama Road are a number of automobile repair shops, offices and retail establishments as well as row dwellings. To the north of the site and across Kalorama Road are the eight-story Dorchester House apartment building and a structure which houses a roller-skating rink, a gasoline station and offices for a construction company.

11. When renovation is completed, the Envoy Towers building at 2400 - 16th Street will contain a total of 301 units, a reduction of thirty-three over the previous total of 334. The current project proposes 121 efficiency, eighteen junior one-bedroom, 140 one-bedroom and twenty-three two-bedroom apartments. As proposed, the Envoy Towers will have a gross floor area of approximately 233,633 square feet. Lot 952, the lot which has frontage on 16th Street and includes the existing Envoy Towers, has an area of approximately 52,912 square feet. Including only this lot, the FAR of the Envoy Towers is 4.42, some 0.92 FAR in excess of the maximum allowable FAR under R-5-C of 3.5.

12. The applicant proposes to construct an addition to the Envoy Towers which will incorporate a new eight-story building on the subject site with street frontage on Kalorama Road, an open plaza connecting the new development to the existing Envoy Towers building, and the reconfiguration of the existing parking structure to incorporate ten apartment units. The new eight-story tower will have two levels of parking which will be connected to two levels of parking in the existing parking garage.

13. The Office of Planning and Development, by memorandum received August 7, 1981, and by testimony presented at the public hearing, recommended approval of the R-5-C zoning. The OPD reported that the existing C-M-2 zoning on this site is inappropriate. With some 28,000 square feet of land area, a sixty foot commercial building could be constructed on this site with a gross floor area of 112,000 square feet as a matter-of-right. Development in that manner between the existing row dwellings and the 1661 Crescent Place Cooperative, would clearly be detrimental to these adjacent residential properties. As proposed by the applicant this project could not be constructed if Lot 953 were zoned D/R-5-B or R-5-B. The applicant has indicated that the viability of the entire project depends upon the use of the subject site to offset the purchase and renovation costs of the existing Envoy Towers. The OPD therefore recommended approval of R-5-C zoning for the entire site. The Commission concurs with the OPD finding as to the present zoning, but for reasons stated below, disagrees with the recommendation to zone the entire site R-5-C.

14. The D.C. Department of Environmental Services, by memorandum dated June 23, 1981, reported tht the application will have practically no impact on the sewer and water systems. The Commission so finds.

15. The D.C. Department of Recreation, by letter dated June 19, 1981, indicated that it expected the residents of the project to use the Marie Reed Center and the Meridian

Hill Park and that overcrowding was not expected. The Commission so finds.

16. The D.C. Department of Transportation, by memorandum dated August 24, 1981 and by testimony presented at the public hearing, expressed concern for what it believed to have been insufficient spaces for off-street parking, a prohibition on the use of tractor-trailors longer than forty-five feet, maneuverability in and out of the loading berth at Kalorama Road, and a six-foot widening of an existing ten-foot alley from Kalorama Road parallel to the loading berth.

17. The D.C. Department of Housing and Community Development, through the representative of the OPD, testified at the public hearing in support of the project.

18. Advisory Neighborhood Commission 1C, by letter dated August 16, 1981 and by testimony presented at the public hearing, supported the proposal because the ANC favored the policy of assisting low and moderate income residents to stay in this neighborhood, and to retain the housing stock. The Commission so finds. A subsequent letter from ANC 1C, dated November 9, 1981, is not a part of the record in this case, as it was received after the record closed.

19. One person testified in support of the proposal at the public hearing, because the proposal gave disadvantaged individuals an opportunity to retain residency in the affected neighborhood.

20. One party and two persons testified in opposition to the proposal for reasons related to the lack of comprehensive area planning, environmental impact, parking problems, uncertain federal commitment for housing subsidies, and urban design problems.

21. Retention of the existing C-M-2 zoning for the subject property is inappropriate. The level of commercial development which could occur on this site as a matter-of-right under C-M-2 would adversely impact the abutting properties as well as the area as a whole.

22. Rezoning of the property to a residential district is appropriate, because it would result in a use consistent with the use of all immediately surrounding property.

23. Rezoning of the long narrow portion of the property to R-5-C is not desirable or reasonable, because the height of ninety feet permitted in R-5-C would be excessive. The existing townhouses to the northwest are only two stories in height. The 1661 Crescent Place building is six stories in height. The construction of a

ninety foot building in the center of the square would overwhelm the adjoining structures, and would be out of scale and character with the surrounding buildings.

24. Rezoning of the rectangular portion of the site to R-5-C would not adversely impact any adjoining property. This area is adjoined by existing R-5-C zoning on two sides, is across an alley from and to the side of the rowhouses, and fronts on a street on its remaining side.

25. Rezoning of the long narrow portion of the site to D/R-5-B would allow a height of only sixty feet, the same height now permitted for the property. This would be no greater than the height of the 1661 Crescent Place building. Because of the separation occasioned by the alley, there would be no adverse impact on the rowhouses to the northwest. Further, rezoning to D/R-5-B would represent an extension of the existing zone already applicable to the 1661 Crescent Place property.

26. Rezoning the subject property to the combination of R-5-C and D/R-5-B reduces the development potential of the property by approximately 19,000 square feet, as compared to zoning the whole site R-5-C. This is a reasonable trade-off to insure protection of the adjoining existing buildings. Rezoning as ordered herein still allows for substantial new residential development on the site.

27. The zone boundary line dividing the R-5-C and D/R-5-B Districts is a direct, reasonable extension of the existing zone boundary line, which follows the property line between the Envoy Towers and the 1661 Crescent Place Cooperative.

28. As to the issues raised by the D.C. Department of Transportation, the subject application is for rezoning, and not for approval of a planned unit development. The Commission is unable to impose conditions on the grant of a zoning change to meet the concerns raised by the Department of Transportation.

29. There is a covenant recorded in the land records of the District of Columbia, which would be applicable to this property if it were rezoned R-5-C in its entirety. Because of the decision reached in this case, the covenant is irrelevant, and not material to the decision set forth.

30. This application was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self Government and Governmental Reorganization Act. The NCPC reported that the proposed rezoning from C-M-2 to D/R-5-B and R-5-C would not adversely affect the preservation and protection of the Envoy Towers, a structure determined by the Secretary of the Interior as

eligible for listing on the National Register of Historic Places, or any other nearby historic properties including the Federally-owned Meridian Hill Park, would not adversely affect other Federal interests in the National Capital, and would not be inconsistent with the Comprehensive Plan for the National Capital.

CONCLUSIONS OF LAW

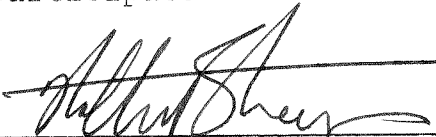
1. Rezoning to D/R-5-B and R-5-C is in accordance with the Zoning Act (Act of June 20, 1938, 52 Stat, 797), by furthering the general public welfare and serving to stabilize and improve the area.
2. Rezoning to D/R-5-B and R-5-C will promote orderly development in conformity with the entirety of the District of Columbia Zoning Plan as embodied in the Zoning Regulations and Map of the District of Columbia.
3. Rezoning to D/R-5-B and R-5-C will not have an adverse impact on the surrounding neighborhood.
4. The Commission takes note of the position of the Advisory Neighborhood Commission, and in its decision has accorded to the ANC the "great weight" to which it is entitled.


DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Commission hereby orders APPROVAL of the following action:

Change Lot 953 in Square 2571 from C-M-2 to D/R-5-B and R-5-C, 2400 - 16th Street, N.W., with the zone boundary line following the extension of the lot line between the Envoy Towers (lot 952) and 1661 Crescent Place Cooperative (lot 942), as shown on the attached plat.

Vote of the Commission taken at the public meeting on December 10, 1981: 3-0 (Lindsley Williams, John G. Parsons and Walter B. Lewis to approve D/R-5-B and R-5-C - Ruby B. McZier and George M. White, not voting not having participated in the case).

  
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WALTER B. LEWIS  
Chairman  
Zoning Commission

  
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STEVEN E. SHER  
Executive Director  
Zoning Secretariat

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Vote of the Commission taken at the public meeting on January 25, 1982: 3-0 (John G. Parsons, Lindsley Williams, and Walter B. Lewis to adopt - George M. White, not voting not having participated in the case and Ruby B. McZier, not present not voting).

In accordance with Section 4.5 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, these amendments to the Zoning Map are effective on FEB - 5 1982.